



Community Development
Planning Division
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NOTICE OF DISPOSITION FOR A MINOR REPLAT

CASE: MRP12-00008 **ORDER NO. 2012-069**

REQUEST: Approval of a Minor Replat application to replat Lot 5 of Block 6 of Johnson's addition in order to create two parcels. The parcels would have vehicle access from NW 27th Street, and based on minimum lot area requirement would be developed with Single Attached Zero Lot Line residential dwelling units.

**APPLICANT/
OWNER:** Leonne Bannister
1940 NW 23rd Street
Corvallis OR 97330

LOCATION: The property is located at 836 NW 27th St, and is identified as Tax Lot 5100 on Benton County Assessor's Map 11-5-34 AB.

**PUBLIC
COMMENT:** 58 public notices were mailed on October 29, 2012. As of November 13, 2012, no public testimony had been received.

ATTACHMENTS:

- A – Application, Narrative, and Graphics
- B – Staff-identified applicable review criteria

FINDINGS

Based on a review of the proposed Minor Replat application, the Planning Division Manager finds the following:

1. **Previous Approvals**
There are no previous land use approvals specific to this development site.

2. **Minor Replat Review Criteria**

Per Section 2.14.30.04, an application for a Minor Replat and any public comments that have been received on the application shall be reviewed to ensure consistency with the review criteria in Land Development Code (LDC) Section 2.14.30.05. The Minor Replat review criteria require compliance with the applicable development standards of the underlying zone, as well as Article IV of the LDC. The applicable development standards are addressed below relative to the subject application and Minor Replat review criteria.

Section 2.14.30.05 – Review Criteria

b. Residential Partitions - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:

- 1. Consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;**

Compliance with some of the referenced clear and objective approval standards cannot be fully evaluated in conjunction with the proposed Minor Replat because the application seeks only to modify the lot line configuration of the subject property. It does not include specific building permit applications or other specific applications for development on the subject property. However, compliance with all applicable requirements referenced above shall be assured prior to development on the subject property through subsequent building or other permit processes. For example, compliance with many requirements of the Oregon Structural Specialty Code, International Fire Code, and City Off-street Parking and Access Standards can only be evaluated in conjunction with a building permit application for construction on the site. However, where the proposed land division would be anticipated to create obstacles to compliance with any of the referenced regulations it is appropriate to identify and resolve those issues, to the extent practicable, through this land use decision.

Development standards from Articles III and IV of the LDC that typically relate to Minor Replat applications include a zone's development standards, Chapter 4.0 – Improvement Required with Development, Chapter 4.1 – Parking, Loading, and Access Requirements, Chapter 4.2 – Landscaping, Buffering, Screening, and Lighting, and Chapter 4.4 – Land Division Standards. Findings in relation to compliance with these LDC requirements are contained below. It should be noted

that compliance with the City's Facility Master Plans is also reflected in the analysis of compliance with the requirements of LDC Chapter 4.0.

RS-9 Development Standards

Land Development Code Section 2.14.30.05(b).1 requires Minor Replat applications to demonstrate compliance with the development standards of the underlying zone. The subject site is zoned RS-9, and is therefore subject to the development standards in LDC Chapter 3.4 (**Attachment B.3-7**). Compliance with the RS-9 Zone's development standards results in compliance with the Minor Replat review criteria in LDC Sections 2.14.30.05(b)2. b, d and f. Although compliance with most RS-9 development standards must be addressed in conjunction with a development application for the site, the following development standards are applicable to land division applications.

Table 1: Compliance with the RS-9 Zone's Development Standards

LDC Section	Complies		
	Yes	Yes, with Conditions	No
3.4.20 – Permitted Uses <i>Analysis:</i> Parcel 1 will be 3,054 sq. ft. and Parcel 2 will be 3,089 sq. ft. (Attachment A.17). This is sufficient area to allow a Single Attached unit on each proposed parcel, which is a use permitted outright in the RS-9 Zone (Attachment B.4).	X		
3.4.30.a-b – Density <i>Analysis:</i> The density range allowed in the RS-9 zone is 6 to 12 units per acre (Attachment B.4). For the purposes of density calculation for a Minor Replat, 50% of the area of the adjacent Right-of-Way may be included. Parcel 1, including 50% of the adjacent ROW is 3,805 sq. ft. or 0.09 acres. One Single Attached dwelling unit on 0.09 acres is equivalent to a density of 11.1 units per acre, which falls within the density range for the RS-9 zone. Parcel 2, including 50% of the adjacent ROW is 3840 sq. ft. or 0.09 acres. One Single Attached dwelling unit on 0.09 acres is equivalent to a density of 11.1 units per acre, which falls within the density range for the RS-9 zone.	X		
3.4.30.c – Minimum Lot Area <i>Analysis:</i> Parcel 1 will be 3,054 sq. ft. and Parcel 2 will be 3,089 sq. ft. (Attachment A.17). The proposed parcels exceed the 2,500 sq. ft. minimum lot area required for a Single Attached (Zero Lot Line), but do not meet the minimum lot area requirements for any other building type allowed in the RS-9 zone. As such, the two parcels will be limited to the Single Attached (Zero Lot Line) building type, when development occurs (DRC A).	X		

3.4.30.d – Minimum Lot Width <i>Analysis:</i> The lot widths of each of the proposed parcels will be just over 30 ft (Attachment A.17). The minimum lot width required for Single Attached units is 25 ft (Attachment B.4). Therefore the proposed lot widths exceed the minimum standard.	X		
3.4.90 – Compliance with Chapter 4.10 – Pedestrian Oriented Design Standards <i>Analysis:</i> The proposed parcel configuration allows future development to meet PODS by allowing space for the building orientation and dimensions called for by LDC Chapter 4.10. Compliance with all of the applicable POD standards for development of the two Single Attached structures will be ensured through the building permit process.	X		

In addition to compliance with the development standards in the RS-9 Zone, the proposed land division may not create a situation where existing development is no longer in compliance with the LDC or Building Code requirements. Given the presence of the existing building on the site, the proposed relocation of the property line would create a situation where the existing building would not comply with setback requirements in the LDC and would not comply with Building Code requirements. (The minimum side yard setback for Single Detached dwellings in the RS-9 Zone is five feet) Consequently, it is necessary for the existing building to be removed prior to final plat approval for the replat (**Condition 10**).

Conclusion on Article III Development Standards

The above analysis demonstrates that the proposed parcels comply with the applicable development standards in the RS-9 Zone, or can support development that could comply with the development standards of the zone. The subject site does not contain any Significant Natural Features or Hazards. As such, the proposal complies with the Minor Replat Procedures in LDC Section 2.14.50, the applicable zoning standards in Article III, and LDC Section 2.14.30.05(b).2.b-d and f, with respect to density, permitted uses, and Significant Natural Features and Hazards.

Article IV Development Standards

Table 2: Compliance with LDC Chapter 4.0 – Improvements Required with Development

LDC Section	Complies		
	Yes	Yes, with Conditions	No
4.0.20 – Timing of Improvements		X – 3, 4, 5, 6, 7	

4.0.30 – Pedestrian Requirements <i>Analysis:</i> Access to the proposed parcels is provided from NW 27 th Street, which is an improved local street with 5-foot sidewalks, meeting the standard for local streets set in LDC Section 4.0.30 (Attachment B.7-8).	X		
4.0.60 – Public Street Requirements <i>Analysis:</i> NW 27 th Street is an improved local street with a 50-foot ROW, including 5-foot sidewalks, 3-foot planting strips, and a 34-foot pavement width. LDC standards have changed since the street was constructed to include a provision for 6-foot planting strips on the ROW to accommodate a 28-foot roadway. To meet the current minimum LDC criteria 4.0.30 for planting strips, the applicant would need to set back the sidewalk and install a 6-foot planting strip. This would require a sidewalk easement or dedication along the property frontage on NW 27 th Street. This is consistent with LDC Section 4.0.100.e, where street rights-of-way and/or easements in or adjacent to development sites are of insufficient width, dedications may be required. However, since the existing local street ROW meets the minimum local street ROW width of 50 feet, an alternative to installing the 6-foot planting strip for street trees is to plant the trees in the front yard behind the sidewalk, consistent with the provisions in LDC section 4.2.30 (Condition 3). Due to the requirements of 4.2.30.b, street trees may not be planted within 10 feet of utilities. Therefore, the location of the street trees may require utilities to be installed under the driveways (DRC F).		X - 3	
4.0.70 – Public Utility Requirements (or Installations) <i>See analysis below.</i>		X – 4, 5	
4.0.90 – Franchise Utility Installations <i>Analysis:</i> Franchise utilities are generally located within the vicinity of the site. Per LDC 4.0.100.b, utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations (Condition 6). The applicant will need to install franchise utilities consistent with LDC section 4.0.90 (Conditions 7).		X – 6, 7	

4.0.70 – Public Utility Requirements (or Installations)

In accordance with LDC Section 4.0.70, all development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights. In accordance with LDC Section 4.0.20, each proposed lot shall have required public and franchise improvements installed or secured in accordance with the provisions of LDC Section 2.4.40.09 prior to approval of the final plat (**Condition 2**). If the existing utility services

are being reused, the applicant needs to show if they cross proposed property lines. If the existing private services will cross proposed property lines, appropriate private easements need to be shown on the plat. Lastly, if trees are to be planted in the front yard in lieu of the planting strip, utilities may be required to be installed underneath the proposed driveways **(DRC F)**.

Water

Based on City maps there is an existing 6-inch water line in NW 27th Street. The applicant will be required to pay for the installation of water services for each site. If the existing service is adequate to serve one of the sites, one new service would be required. Installation of water services 2 inches or smaller are typically installed by City crews at the developer's expense and permitted through Development Services. All water meters should be located at the public ROW. A concrete pad poured around each meter is required if not located within an all-weather surface such as a sidewalk. The developer is responsible for all costs associated with work performed by the City crews **(Condition 4)**.

Sewer

An existing 12-inch combined public sewer main is located in NW 27th Street and appears to serve the site.

According to LDC Section 4.0.20, each lot shall have the public sewer installed prior to approval of the final plat. Sewers, either public or private, are installed by the applicant at the applicant's expense. Installation of individual public sanitary sewer service lateral extensions in local streets is typically permitted through the City's Development Services Division. Common private sewers serving more than one parcel/lot are not allowed **(Condition 5)**.

Drainage

Existing storm drainage for residential lots in this area is typically by street curb drainage to the existing City storm system which connects to the combined sewer in the area. With development of the sites, the owners will need to install appropriate site drainage facilities which will be permitted by Development Services **(DRC C)**.

Street Lights

There is an existing street light network in the area. No additional street lighting is required.

Table 3: Compliance with LDC Chapter 4.1 – Parking, Loading, and Access Requirements

LDC Section	Complies			
	Yes	Yes, with Conditions	No	N/A
4.1.30 – Off-street Parking Requirements <i>Analysis:</i> The current off-street parking requirement for Single Attached units is two parking spaces per dwelling unit (Attachment B.15) . Compliance with this				X

requirement is not required at the time of this application, because a specific development plan is not proposed. Compliance with applicable parking requirements will be determined through the building permit process.				
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Table 4: Compliance with LDC Chapter 4.2 – Landscaping, Buffering, Screening, and Lighting

LDC Section	Complies		
	Yes	Yes, with Conditions	No
<p>4.2.20 – General Provisions</p> <p><i>Analysis:</i> Consistent with LDC Section 4.2.20.a, the applicant will be required to submit a landscape plan prior to the recording of a final plat (Attachment B.15) (Condition 8).</p> <p>Consistent with LDC Section 4.2.20.a.2, all required landscaping shall be installed prior to the issuance of a Certificate of Occupancy for future development on the two parcels (Condition 8).</p> <p>According to the existing conditions survey, the subject site contains four Maples. Per the LDC definition, these trees can be classified as Significant Trees because they have a diameter of more than 8 inches in caliper. Per LDC Section 4.2.20.d, (Attachment B.16) these trees must be protected to the maximum extent practicable. If they are to be protected, it must be done so according to the provisions in LDC 4.12.60.f (Attachment B.25). The applicant has not yet indicated whether these trees will be preserved. The applicant will need to address preservation of these trees through the building permit process (DRC G).</p>		X - 8	
<p>4.2.30 – Required Tree Plantings and Maintenance</p> <p><i>Analysis:</i> The landscape plan shall identify the location and types of street trees, which may be installed either in the planting strip or, per LDC 4.2.30, the front yard along NW 27th Street. The street trees shall be planted consistent with LDC Section 4.2.30.b – Area Where Trees May Not be Planted (Attachment B.18). As noted above, the street trees shall be planted prior to the issuance of a Certificate of Occupancy for future development on the site (Condition 8).</p>		X - 8	

Table 5: Compliance with LDC Chapter 4.4 – Land Division Standards

LDC Section	Complies		
	Yes	Yes, with	No

		Conditions	
4.4.20 – General Provisions <i>Analysis:</i> The existing lot is proposed to be replatted in order to create two parcels roughly 30 ft wide and 100 ft in depth. The existing lot will effectively be divided lengthwise from east to west. LDC Section 4.4.20.03 states that lot depth generally shall not exceed 2.5 times the average width (Attachment B.19). The depth of the proposed parcels will exceed 2.5 times their width. However, staff find that the requirements of LDC Chapter 4.4 are still met, because the requirement of the 2.5 lot dimension ratio is stated as “generally shall,” indicating that it is not a mandatory standard. The proposed parcels also comply with the development standards set by the underlying zone (RS-9), which requires minimum lot widths of 25 feet and a minimum lot area of 2500 square feet. A lot with these dimensions would also exceed a 2.5 depth-to-width ratio.	X		

Conclusion of Article IV Development Standards

Given the above analysis, and as conditioned, staff find the proposal is consistent with the applicable development standards in Article IV of the LDC. Compliance with the standards in Article IV also results in compliance with the review criteria in LDC Sections 2.14.30.05(b).1 and 2.14.30.05(b).2b-d and f.

Section 2.14.30.05 – Review Criteria

b. Residential Partitions - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:

2. The following criteria are met for Residential Partitions and the application demonstrates adherence to them:
 - a) Approval will permit City services and access from a public street to be provided to property under the same ownership and on adjacent lands planned for urban densities;

Met, see analysis in Tables 2 and 5.

- b) Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site;

The proposed density is within the density range for the RS-9 zone. See complete analysis of density calculation in Table 1.

- c) **Preservation and/or protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;**

Met, see analysis in Table 4.

- d) **Land uses shall be those that are outright permitted by the existing underlying zoning designation;**

The proposed use for the parcels is residential. The proposed lot area for the two parcels will limit development on the two parcels to Single Attached dwelling units **(DRC A)**. Single Attached dwelling units are building types that are permitted outright in the RS-9 Zone. Compliance with this criterion will be assured through the building permit review.

- e) **Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to this Code's Wetlands and/or Riparian Corridor provisions in Chapter 4.13 - Riparian Corridor and Wetland Provisions; and**

The replat will not change the subject site's hydrology.

- f) **For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains remaining lot or parcel contains:**

- 1) **An area unconstrained by Natural Resources or Natural Hazards;**
- 2) **An area that includes Formerly Constrained Areas; or**
- 3) **Contains an area that includes the areas in e.1) and e.2) above;**

and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:

- 4) **Lots created for public park purposes; and**
- 5) **Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space.**

New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards. See also Section 4.11.30.

The subject site contains Significant Trees, which must be protected to the greatest extent practicable. The applicant has not yet indicated whether the tree will be preserved. If they are kept, trees must be protected according to the criteria listed in 4.12.60.f. **(DRC G)**.

A Residential Partition that conforms to these criteria in "1," and "2," above, is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Partition that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall be the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

Conclusion of Minor Replat Review Criteria

Given the above analysis and as conditioned, the proposal complies with the review criteria in LDC Section 2.14.30.05(b).

3. Parcel Address Assignment

Prior to submission of the Final Plat, the applicant will need to coordinate with the Development Services Division to assign street addresses for the new parcels **(Condition 11)**.

4. Final Plat Requirements

To facilitate review and recording of the final plat, **Condition 12** clarifies the requirements for the final plat submission. With submission of the final plat document for staff review, the applicant should provide a written narrative that describes how the applicable conditions of approval have been satisfied.

DECISION

Based on the information submitted by the applicant and City Staff review, it is the decision of the Planning Division Manager that the request be approved subject to the following conditions of approval and development related concerns:

CONDITIONS OF APPROVAL

1. Consistency with Plans – Development shall comply with the plans and narrative in the applicant's proposal identified as **Attachment A**, except as modified by this approval or the conditions of approval below.
2. Utility Improvements - In accordance with LDC 4.0.70, all development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights. In accordance with 4.0.20.a.1, each proposed lot shall have required public and

franchise improvements installed or secured in accordance with the provisions of LDC 2.4.40.08 prior to approval of the final plat.

3. Planting Strip/Street Trees- Based on LDC section 4.0.30, 6-foot planting strips are required for local streets. To provide a 6-foot planting strip, the sidewalk would need to be set back and a sidewalk easement or ROW dedication provided. Any easement or ROW shall provide for a 5-foot sidewalk and 6-foot planting strip as measured from the face of the curb. However, since the existing local street ROW meets the minimum local street ROW of 50 feet, an alternative to installing the 6-foot planting strip for street trees may be to plant the trees in the front yard behind the sidewalk consistent with LDC section 4.2.30. If public ROW is dedicated, an environmental assessment for all land to be dedicated must be completed in accordance with LDC section 4.0.100.g.
4. Water Services- An additional water service is required for the new lot. Water services less than 2 inches are permitted through Development Services and installed by City crews at the developer's expense. The developer will need to request the new water service through Development Services. All water meters shall be located at the public ROW. The applicant will need to provide a 5' x 5' concrete pad poured around each meter box if the meter box is not located within an all-weather surface such as a sidewalk at the time of meter setting.
5. Sanitary Sewer- Each lot shall have an individual connection to a public sewer. Sewers, either public or private, are installed by the applicant at the applicant's expense. Installation of individual sanitary sewer lateral extensions will be subject to permitting through the City's Development Services Division since 27th is a local street. If private laterals cross property lines, private easements shall be provided and shown on the plat. Common private sewers serving more than one parcel/lot are not allowed.
6. Utility Easements- The applicant shall include on the final plat a 7-foot UE adjacent to all public ROW if not already present at the time of final plat in accordance with LDC 4.0.100. Where the sidewalk is located in an easement behind the ROW the UE needs to be behind the sidewalk to allow for Utility boxes.
7. Franchise Utility Installation - Franchise utilities shall be installed consistent with LDC section 4.0.90.
8. Landscaping, Installation, and Maintenance - Consistent with LDC Section 4.2.20(a), the applicant will be required to submit a landscape plan prior to the recording the final plat.

The following landscaping provisions shall apply to the overall development of the two parcels:

- a. Landscape Construction Documents - Prior to recording the Final Plat, the applicant shall submit for approval by the Community Development Director, landscape construction documents for the two parcels, which contain a specific planting plan (including correct Latin and common plant names), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site. Plantings shall comply with LDC Chapter 4.2 and other conditions of approval. All trees shall have at least a 1 ½-in. trunk caliper four feet above the ground at the time of installation. Overall, landscaping installed as a requirement of this proposal shall be designed to achieve a minimum coverage of 90 percent within three years of installation.
 - b. Landscaping and street trees, whether installed in the front yard or in the planting strip in the right of way, shall be installed prior to issuance of a Certificate of Occupancy for future development on either of the two parcels.
9. Easements on Plat- The final plat shall reference all existing easements impacting the property per LDC Section 2.14.40.01.
10. Removal of Existing Structure – The current structure may not cross property lines, per Building Code and RS-9 Zone side yard setback requirements. Therefore the structure must be removed before the Final Plat is recorded.
11. Parcel Address Assignment – Prior to submittal of the Final Plat, the applicant will need to coordinate with the Development Services Division to assign street addresses for the new parcels.
12. Signature Block – The applicant shall provide the following City of Corvallis case number / signature block on the final plat:

City of Corvallis Case MRP12-00008

Corvallis Planning Division Manager

Corvallis City Engineer

Font and text size shall be consistent with State and Benton County standards.

The final plat shall contain a certificate signed by the County Assessor or Tax Collector certifying that the taxes on the property being replatted have been paid as required.

The final plat shall be prepared by an Oregon licensed land surveyor in accordance with ORS Chapters 92 and 209. The final plat shall conform to the partition standards established by the County Surveyor.

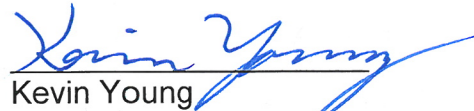
The notarized signatures of the legal owners of the property shall be affixed to the final plat.

Development Related Concerns

- A. Building Type – Based on the proposed lot sizes, development on the parcels will be restricted to Single Attached (Zero Lot Line).
- B. Driveway Approaches and Sidewalks - With development of the property and to accommodate an additional driveway, the sidewalks will need to be reconstructed to City standards. Existing driveways not used need to be abandoned and removed, and the curb replaced.
- C. Private Drainage - Private residential roof and foundation drainage is typically accommodated via curb weep holes at the street. Topography and certain development patterns, such as flag lots, may complicate this typical drainage solution (refer to Storm Water Drainage Systems Policy POL 1 026). All new lots should be provided with individual storm drainage via gravity lines to the curb or appropriate drainage facilities. If a gravity system is not feasible, then alternate solutions will need to be explored through the building permit process.
- D. Infrastructure Cost Recovery - Where it is determined that there will be Infrastructure Cost Recovery payments from past public improvements, the developer shall pay their required share of the costs prior to receiving any building permits in accordance with Corvallis Municipal Code 2.18.040.
- E. Vision Clearance- The applicant will need to demonstrate compliance with vision clearance standards as required in the Off-Street Parking and Access Standards.
- F. Location of Utilities – Any street trees installed must be planted consistent with LDC Section 4.2.30.b – Areas Where Trees May Not be Planted, which prohibits planting trees within 10 feet of a public sanitary sewer, storm drainage, or water line. Depending on the location of the street trees, utilities may be required to be installed under the driveways.
- G. Protection of Significant Trees – The maples identified on the existing conditions survey are classified as Significant Trees, due to their size. Per LDC Section

4.2.20.d, the trees must be preserved to the greatest extent practicable.
Compliance with this section will be required through the building permit process.

November 21, 2012
Date of Decision


Kevin Young
Planning Division Manager

APPEALS – EFFECTIVE DATE OF APPROVAL - EXPIRATION

APPEAL DEADLINE / EFFECTIVE DATE OF APPROVAL (12 days after the Date of Decision):

December 3, 2012

If you wish to appeal this decision to the Land Development Hearings Board, the appeal must be filed with the City Recorder, by 5:00 p.m. by the appeal deadline noted above. When the final day of the appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent working day.

All appeals must include the appropriate filing fee and filing requirements noted in Section 2.19.30.05 of the LDC. The appeal fee for administrative land use decisions is \$250.00. If you have any questions about the appeal process, contact the Planning Division at 541-766-6908.

If no appeal has been filed, this approval is valid for a one year period from the Effective Date of Approval.

EXPIRATION DATE: December 3, 2013

Approval of a tentative partition plat shall be valid for a one-year period from the Effective Date of Approval. If the applicant has not fulfilled all conditions of approval noted above and filed the final plat with the Planning Division prior to the Expiration Date, the approval shall expire.

Upon request, the Director may approve a single one-year extension to the approval.

CASE # MP12-00092 DATE FILED 9/25/12 DATE COMPLETED _____
☐ RESIDENTIAL ☐ COMMERCIAL ☐ MINOR REPLAT ☐ MINOR PARTITION
☐ REE-PAD ☐ RECEIVED # 251091



RECEIVED

SEP 25 2012

City of Corvallis - Planning Division
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Minor Land Partition / Minor Replat Application
 Community Development
 Planning Division

Location / Description of Subject Property(ies)

Street Address 836 NW 27th St.
 Benton County Tax Assessor Map 11-5-34AB Tax Lot(s) # 5100
 Subdivision Name or Partition # Johnson's addition (for Minor Replat Applications)
 Zone RS-9 Size (acres) .14 Density Range 6 du/ac - 12 du/ac
☐ Historic Overlay ☐ Natural Features ☐ Related Land Use Cases

Applicant Information

Applicant(s) Name(s) Bannister Leonne
 Last 1940 NW 23rd St. First _____ M.I. _____
☒ Same as Property Owner 3328 NW Firwood Dr.
 Street Address Corvallis OR 97330
 City State Zip Code
 Phone # 541-829-0705 Email Address Leonnebannister@gmail.com
 Contact preference? ☐ mail ☐ phone ☒ email

Property Owner Information (where different than Applicant)

Property Owner(s) Name(s): same as applicant - see title (att)
 Last _____ First _____ M.I. _____
 Street Address _____
 City _____ State _____ Zip Code _____
 Phone # _____ Email Address _____
 Contact preference? ☐ mail ☐ phone ☐ email
 Property Owner(s) Signature(s) Leonne Bannister Date 9/25/12
 (If Legal Representative: provide supporting documentation)
Attachments (refer to the following pages)



corvallispermits.com

Track the status of your application

Visit corvallispermits.com and select "Check Case Status"

2.14.30.01 – Application Requirements

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

Applications shall be made on forms provided by the Director and shall be accompanied by:

- a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;
- b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;
- c. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- d. **Graphic Requirements** - The Tentative Plat and other graphics for both Nonresidential and Residential Partitions shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed below. The Tentative Plat and other graphics shall not exceed 24 by 36 in. and shall include the following information, as applicable:
 1. Names of the owner, partitioner, engineer, and surveyor as appropriate;
 2. Property line boundaries of all contiguous land in the same ownership as the area encompassed in the application;
 3. Sufficient description to define location and boundaries of the area to be partitioned, replatted, and/or adjusted;
 4. Location of existing structures;
 5. Number and type of units proposed when known and appropriate;
 6. Location and width of all existing or proposed public or private accessways (rights-of-way) including any reserve strips and parking areas;
 7. Location of all existing and proposed public and private utilities, including water, sewer, and storm drainage;
 8. Proposed parcel layout indicating dimensions, parcel lines, and lot areas;
 9. Approximate location and width of Watercourses for review in accordance with Chapter 4.5 - Natural Hazard and Hillside Development Provisions and Chapter 4.13 – Riparian Corridor and Wetland Provisions; and
 10. All areas to be dedicated to the public and their proposed Uses including street rights-of-way, drainageways, easements, and reserve strips.
 11. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, and provide all Code-required Significant Natural Feature information including but not limited to:
 - a) All information and preservation plans required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area

REVISED AUGUST 2009

(MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable;

- b) All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and
- c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

12. Tentative Plat and Other Graphics -

a). General -

- 1) Nonresidential Partition Graphics - Nonresidential Partition graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).
 - 2) Residential Partition Graphics - Residential Partition graphics shall include features within a minimum of 300 feet from all exterior boundaries of the site, showing existing streets and parcel boundaries; existing structures in excess of 100 sq. ft.; driveways; utilities; Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; and Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable. Additionally, if existing infrastructure is more than 300 ft. from an exterior boundary of the Residential Partition site, the Residential graphics shall extend beyond the required 300 ft. to include said features and all lands between the Residential Partition site and the existing infrastructure.
- b) Conceptual Grading Plans - Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the Partition exceeds 10 percent and where the Partition abuts existing developed lots, a conceptual grading plan shall be required as follows:
- 1. Nonresidential Partitions - Conceptual grading plans for Nonresidential Partition applications shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.5 - Natural Hazard and Hillside Development Provisions. If a grading plan is required for a Nonresidential Partition, it shall indicate how these objectives are met, how runoff or surface water from individual lots will be managed, and how the proposal's surface waters will be managed. Additionally, Nonresidential Partition applications shall include two design alternatives demonstrating that the applicant has achieved the

REVISED AUGUST 2009

optimal balance of applicable criteria;

2. Residential Partitions - Conceptual grading plans for Residential Partition applications shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to the provisions in Chapter 4.5 - Natural Hazard and Hillside Development Provisions. The conceptual grading plan shall also indicate how runoff and surface water from individual lots will be managed, and how the proposal's surface waters will be managed. Additionally, the conceptual grading plan for Residential Partitions shall meet the requirements in "c," and "d," below;
 - c) For residential development, excavation and grading shall maintain hydrology that supports existing wetland and riparian areas and the application shall demonstrate adherence;
 - d) For residential development, the graphics, including the conceptual grading plan, must demonstrate that each lot can be served by streets and infrastructure in a manner that is consistent with the clear and objective approval standards contained in the following: the City's development standards outlined in by the applicable underlying zoning designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;
13. Where it is evident that the parcel can be further divided, the applicant shall show, either on the Tentative Plat or as an attachment, that the Partition will not preclude efficient division of land in the future;
14. Narrative Requirements -
 - a) Phasing - Statement describing phases of project, if proposed. Phases shall be:
 - 1) For Nonresidential Partitions, substantially and functionally self-contained and self-sustaining with regard to access, parking, transportation facilities, utilities, Green Areas, and drainage without reliance on any uncompleted phase; capable of substantial occupancy, operation, and maintenance upon completion of construction and development, and be designed such that the phases support the infrastructure requirements for the project.
 - 2) Designed to Address Compatibility -
 - a. For Nonresidential Partitions, addressing compatibility means arranging the phases to avoid conflicts between higher and lower density development.
 - b. For Residential Partitions, Uses permitted outright within a zone are considered to be compatible and not to conflict. Between zones, compatibility is addressed at the time the zone is established. A Residential Use permitted outright within an existing zone is considered to be compatible with Uses permitted outright within existing neighboring zones;
 - c. For Residential Partitions, each proposed phase must meet all required clear and objective standards for access, parking, transportation facilities, utilities, Green Areas, and drainage without reliance on any uncompleted phase. Each proposed phase, and the proposal as a whole, must be designed so that in

REVISED AUGUST 2014

addition to each proposed phase meeting all required infrastructure standards for that phase, at the completion of each phase all completed phases together will cumulatively meet all infrastructure standards that would be required for a project consisting of the completed phases. The Partition and each phase must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.

- b) Explanation of how the proposal complies with the review criteria in Section 2.14.30.05; and

15. Traffic Impact Study -

- a) Nonresidential Partitions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.
- b) Residential Partitions - A Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall be below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that LOS D will be maintained for 20 years.

- 16. Information required by Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable.

2.14.30.05 - Review Criteria

Requests for approval of a Tentative Partition Plat shall be reviewed to ensure:

- a. **Nonresidential Partitions** - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:
 - 1. Consistency with the purposes of this Chapter and the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-street Parking Standards; and any other applicable policies and standards adopted by the City Council;
 - 2. Pursuant to Comprehensive Plan Policy 3.2.7, demonstrated compatibility in the areas in "a," through "m," below, as applicable:
 - a) Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);
 - b) Visual elements (scale of potential development, etc.);

REVISED AUGUST 2008

- c) Noise attenuation;
 - d) Odors and emissions;
 - e) Lighting;
 - f) Signage;
 - g) Landscaping for buffering and screening;
 - h) Transportation facilities;
 - i) Traffic and off-site parking impacts;
 - j) Utility infrastructure;
 - k) Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
 - l) Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and
 - m) Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;
3. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities with respect to the provision of City services and access from a public street;
4. Consistency with the density requirements of the Zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site.; and
5. For properties with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains:
- a) An area unconstrained by Natural Resources or Natural Hazards;
 - b) An area that includes Formerly Constrained Areas; or
 - c) Contains an area that includes the areas in 5.a) and 5.b) above;
and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:
 - d) Lots created for public park purposes; and
 - e) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space.

REVISED AUGUST 2009

New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.

- b. **Residential Partitions** - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:

1. Consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;
2. The following criteria are met for Residential Partitions and the application demonstrates adherence to them:
 - a) Approval will permit City services and access from a public street to be provided to property under the same ownership and on adjacent lands planned for urban densities;
 - b) Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site;
 - c) Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;
 - d) Land uses shall be those that are outright permitted by the existing underlying zoning designation;
 - e) Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to this Code's Wetlands and/or Riparian Corridor provisions in Chapter 4.13 - Riparian Corridor and Wetland Provisions; and
 - f) For properties with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains remaining lot or parcel contains:
 - 1) An area unconstrained by Natural Resources or Natural Hazards;
 - 2) An area that includes Formerly Constrained Areas; or
 - 3) Contains an area that includes the areas in e.1) and e.2) above;and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:

REVISED AUGUST 2009

- 4) Lots created for public park purposes; and
- 5) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space.

New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards. See also Section 4.11.30.

A Residential Partition that conforms to these criteria in "1," and "2," above, is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Partition that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall be the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

CHAPTER 4.4

LAND DIVISION STANDARDS

Section 4.4.20 - GENERAL PROVISIONS

4.4.20.01 - Applicability

All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development.

4.4.20.02 - Blocks

- a. **General** - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.
- b. **Size** - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development.

4.4.20.03 - Lot Requirements

- a. **Size and Shape** - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and depth shall generally not exceed 2.5 times the average width. Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.
- b. **Access** - Each lot shall abut a street (not an alley) for a distance of at least 25 ft. unless it complies with the exceptions listed in "1," "2," or "3," below:
 - 1. **Exception 1** - On a lot or parcel zoned RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) and existing prior to December 31, 2006, the Minor Land Partition or Minor Replat process may be used to create flag lots that comply with all of the criteria in "a-d,"
 - a. Each resulting lot or parcel contains an area equal to no more than 175 percent of the zone's minimum lot size for a Single-family Detached dwelling;

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- b. Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path (distance measured along the centerline of the path to the nearest public street right of way or private street tract);
 - c. A street is not required through any part of the site per other requirements of this Code, such as the Block Perimeter standards in Section 4.0.60.n; and
 - d. The Access Way is consistent with Section 4.4.30.01, below.
- 2. Exception 2 - On a lot or parcel approved through a Minor Land Partition prior to December 31, 2006, that has not expired and for which an "urban conversion plan" was provided, the Minor Land Partition or Minor Replat process may be used to create flag lots that comply with the approved urban conversion plan and all of the criteria in "a and b."
 - a. Front doors are within 100 feet of the lot's (or parcel's) accessway;
 - b. The Access Way is consistent with Section 4.4.30.01, below.
- 3. Exception 3 - The lot meets the exemption in "a" or "b," below:
 - a) Residential lots involving Single-family Detached; Single-family Attached, two units; or Duplex dwellings, provided:
 - 1) Front doors are less than 100 ft. from a street and are accessed by a sidewalk or multi-use path (distance measured along the centerline of the path to the nearest public street right of way or private street tract); and
 - 2) Vehicular access is provided via an alley.
 - b) Commercial, Industrial, and Residential lots other than those described in "a," above, provided:
 - 1) Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path (distance measured along the centerline of the sidewalk or over the "hard-surfaced" portion of the courtyard); and
 - 2) Vehicular access is provided via an alley.
- c. **Through Lots** - Through Lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation. A planting screen easement at least 20 ft. wide shall be required between Through Lots and adjacent streets, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No vehicular rights of access shall be permitted across this planting screen easement. All Through Lots with frontage on parallel or approximately parallel streets shall provide the required front yard on each street, except as specified in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
- d. **Lot Side Lines** - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.
- e. **Lot Grading** - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.
- f. **Building Lines** - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.
- g. **Large Lots** - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.

- h. **Minimum Assured Development Area** - For property with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, lots created through a Subdivision, Partition, or Property Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA) are met.

Section 4.4.30 - SPECIAL PROVISIONS FOR LOTS CREATED THROUGH LAND PARTITIONS OR MINOR REPLATS VIA SECTION 4.4.20.03.b "1" or "2."

In addition to complying with the provisions of Section 4.4.20 above, Partitions and Minor Replats that qualify for the exception in Section 4.4.20.03.b "1" or "2," above, shall be subject to the following standards and procedures.

4.4.30.01 - Access Way

- a. For residential lots, access requirements of Section 4.4.20.03.b may be reduced and combined to provide an Access Way, a narrow strip of land connecting a parcel to a dedicated right-of-way or private street within a separate tract, in accordance with the following:
1. An Access Way to a single lot and one dwelling unit shall be a minimum of 17 ft. wide;
 2. An Access Way to a single lot and two dwelling units or combined Access Ways to two lots and two dwelling units shall be a minimum of 23 ft. wide;
 3. An Access Way to a single lot with more than two dwelling units shall be a minimum of 28 ft. wide;
 4. A combined Access Way to two or three lots and three or four dwelling units with a common drive shall be a minimum of 28 ft. wide; and
 5. A combined Access Way to two or three lots and five or more dwelling units with a common drive shall be a minimum of 34 ft. wide.

The Access Way ensures access to the parcel. Actual pavement widths within an Access Way shall be in accordance with the City's Off-street Parking and Access Standards, established by and available through the City Engineer and amended over time.

- b. Access Ways must connect to a dedicated right-of-way at least 40 ft. wide and paved to City standards. An exception to the paving requirements for the existing dedicated right-of-way may be allowed if all of the following conditions are met:
1. The Access Way connects to a paved street that is a minimum of 20 ft. wide;
 2. The Access Way serves a single lot and not more than two dwelling units;
 3. The property owner signs an irrevocable petition for public street improvements and records it with the property through the Benton County Recorder's Office; and
 4. The property owner demonstrates that the grade of the property will allow foundation drainage to be carried by gravity, without pumping, to a public storm drain or other drainage facility approved by the City Engineer.
- c. The City Engineer may require that any private Access Way or driveway over 50 ft. long or serving two or more lots shall be constructed at the same time that the adjacent public street is constructed. This provision includes all required drainage, sewage, and utility facilities.

4.4.30.02 - Lot Width - The minimum lot width shall be as required by the applicable zone.

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4.4.30.03 - Lot Area - The lot area shall be as required by the applicable zone and shall be provided entirely within the building site area, exclusive of any Access Way. See Figure 4.4-1 Lot Area Exclusive of Access Way, below.

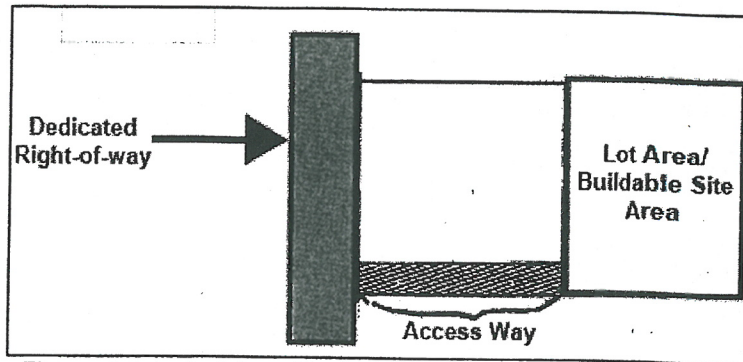


Figure 4.4-1 - Lot Area Exclusive of Access Way

4.4.30.04 - Front Yard Determination - If the partitioned lot is a flag lot, the property owner may determine the location of the front yard, provided that no side yard is less than 10 ft. long.

4.4.30.05 - Site Improvements - These requirements shall be in addition to others in Chapter 4.0 - Improvements Required with Development.

- a. **Screening** - A screen shall be provided along the property line of a lot of record where a paved driveway is within five ft. of the lot line; if the driveway is shared, the lot is exempt from this provision. Screening also may be required to maintain privacy for abutting lots. These screening requirements may be waived if the adjacent affected property owner consents in writing to such a waiver. Required screening shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
- b. **Fire Protection** - The Fire Chief may require installation of a fire hydrant and turnaround(s) if the length of an Access Way would have a detrimental effect on fire fighting capabilities.

4.4.30.06 - Existing Vegetation

Significant beneficial vegetation including trees and shrubbery shall be preserved wherever possible, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

4.4.30.07 - Reciprocal Easements

If a common driveway serves more than one lot, a reciprocal easement to ensure access rights shall be recorded with the approved partition map.

RECORDING REQUESTED BY:

GRANTOR:
Robin G. Biller and Susan K. Biller
249 Colin Rd.
Grants Pass, OR 97527

GRANTEE:
Morgan Bannister and Leone Bannister
3328 NW Firwood Dr.
Corvallis, OR 97330

SEND TAX STATEMENTS TO:
Morgan Bannister and Leone Bannister
836 NW 27th St.
Corvallis, OR 97330

AFTER RECORDING RETURN TO:
Morgan Bannister and Leone Bannister
836 NW 27th St.
Corvallis, OR 97330

BENTON COUNTY, OREGON		2012-495880
DE-WD	08/24/2012 10:21:35 AM	
Str=1 SANDY		
\$10.00 \$11.00 \$10.00 \$17.00 \$20.00	\$68.00	
I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.		
James V. Morales - County Clerk		

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Robin G. Biller and Susan K. Biller, Grantor, conveys and warrants to Morgan Bannister and Leone Bannister, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

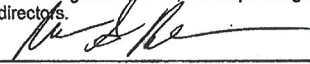
Lot 5, Block 6, JOHNSON'S ADDITION, in the City of Corvallis, Benton County, Oregon.

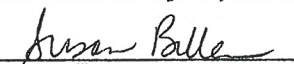
The true consideration for this conveyance is \$165,000.00.

ENCUMBRANCES: See Attached Exhibit "A"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

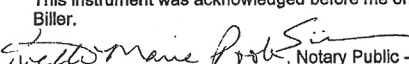
Dated August 23, 2012; if a corporate grantor, it has caused its name to be signed by order of its board of directors.


Robin G. Biller


Susan K. Biller

State of OREGON
COUNTY of Josephine

This instrument was acknowledged before me on August 23, 2012, by Robin G. Biller and Susan K. Biller.


Notary Public - State of Oregon

471612020301-TTMDWIL10
Deed (Warranty - Statutory (Individual or Corporation))



September 25, 2012

Re: Minor Re-Plat Application Narrative
Address: 836 NW 27th Street, Corvallis, Oregon 97330

General Statement of Intent:

This proposal is a request for a minor re-plat of #836 NW 27th Street, Corvallis, Oregon. The property is located on tax lot #5100 in the NE quarter of Section 34, T11S, R5W, WM in Benton County and is in the "RS-9" (Medium Density) Development Zone.

The property has one single family residential home and one detached one-car garage currently existing. Both structures will be demolished and two new parcels will accommodate new construction. The new construction will consist of a single attached zero lot line building with 2 units. Included in my application are the preliminary plans for new construction.

2.14.30.01- Application Requirements

14. Narrative Requirements

a) Phasing

1) N/A

2) Design to Address Compatibility:

a. N/A

b. The property is an existing RS-9 zone. The proposed structured is a single attached zero-lot line building with 2 units. This is an allowed residential building type under Chapter 3.4, Medium Density (RS-9) Zone.

c. The proposed construction, including parking, access, utilities and drainage will be completed under one phase.

d. Refer to 2.14.30.05 Review Criteria responses below.

15. Traffic Impact Study

a) N/A

b) The final result of the described construction will increase the number of units from 1 to 2 single family dwellings. The additional dwelling does not generate more than the 30 peak-hour trips per day to demand a Traffic Impact Study.

16. According to the City of Corvallis 'Land Development Code Maps' these properties do not contains Wetlands, Significant Vegetation or Riparian Corridors.

2.14.30.05- Review Criteria

a. Nonresidential Partitions

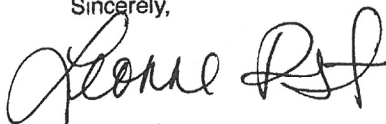
1-5. N/A

b. Residential Partition

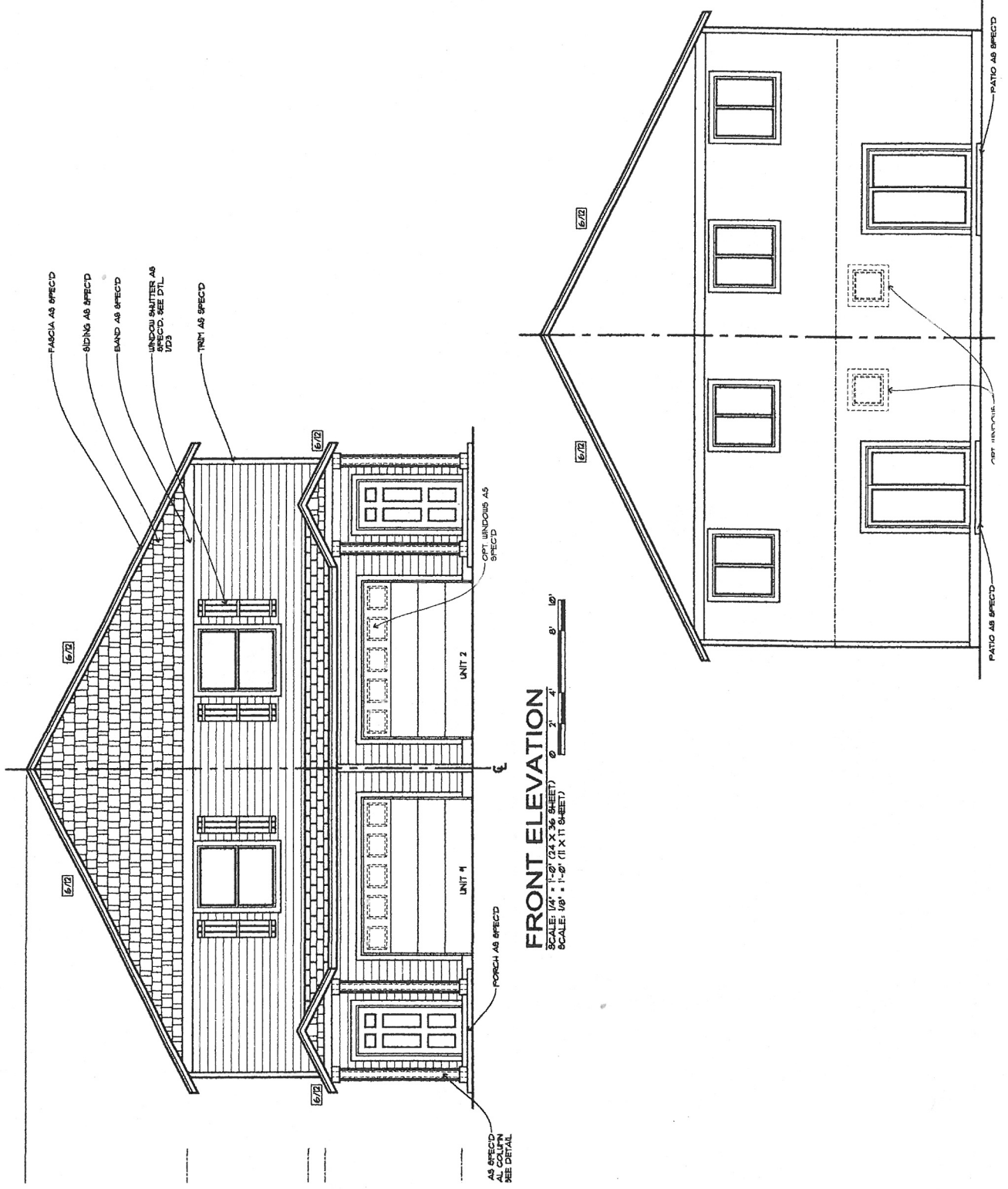
1. The proposed development will be constructed under all current City and County codes and standards.
2. The following criteria are met for Residential Partitions and the application demonstrates adherence to them:
 - a) The new structure will be constructed under one phase and access will be supplied from public right-of-ways.
 - b) The properties are located as described in the Medium Density (RS-9) Development Zone. The minimum density is 6 units per acre and the maximum density is 12. The total property, for the purpose of calculating density is 7,643 sq. ft, which includes an allowance of 50% of public right of way for density calculation. The density calculation is $7,643 \text{ SF (lot size + 50\% of public right of way)} / 43,560 \text{ (SF in acre)} = .18$ (rounded up from .1754). Then, $.18 / 2$ (number of proposed units) = .09 (9 units). This number is within the 6-12 units/acre range of density.
 - c) The property does not contain Significant Natural Features or topography although the design and construction will be consistent with city approved codes and standards.
 - d) The new construction is one single attached zero-lot line unit which is consistent with the 'RS-9' Section 3.4.20.01 - Permitted Uses.
 - e) There will be a slight excavation for construction but not significant enough to effect Wetlands or Riparian Corridors.
 - f) According to the City of Corvallis 'Land Development Code Maps' these properties do not contain Wetland, Significant Vegetation or Riparian Corridors.

Thank you and please feel free to call me at (541) 829-0705 if there are questions.

Sincerely,

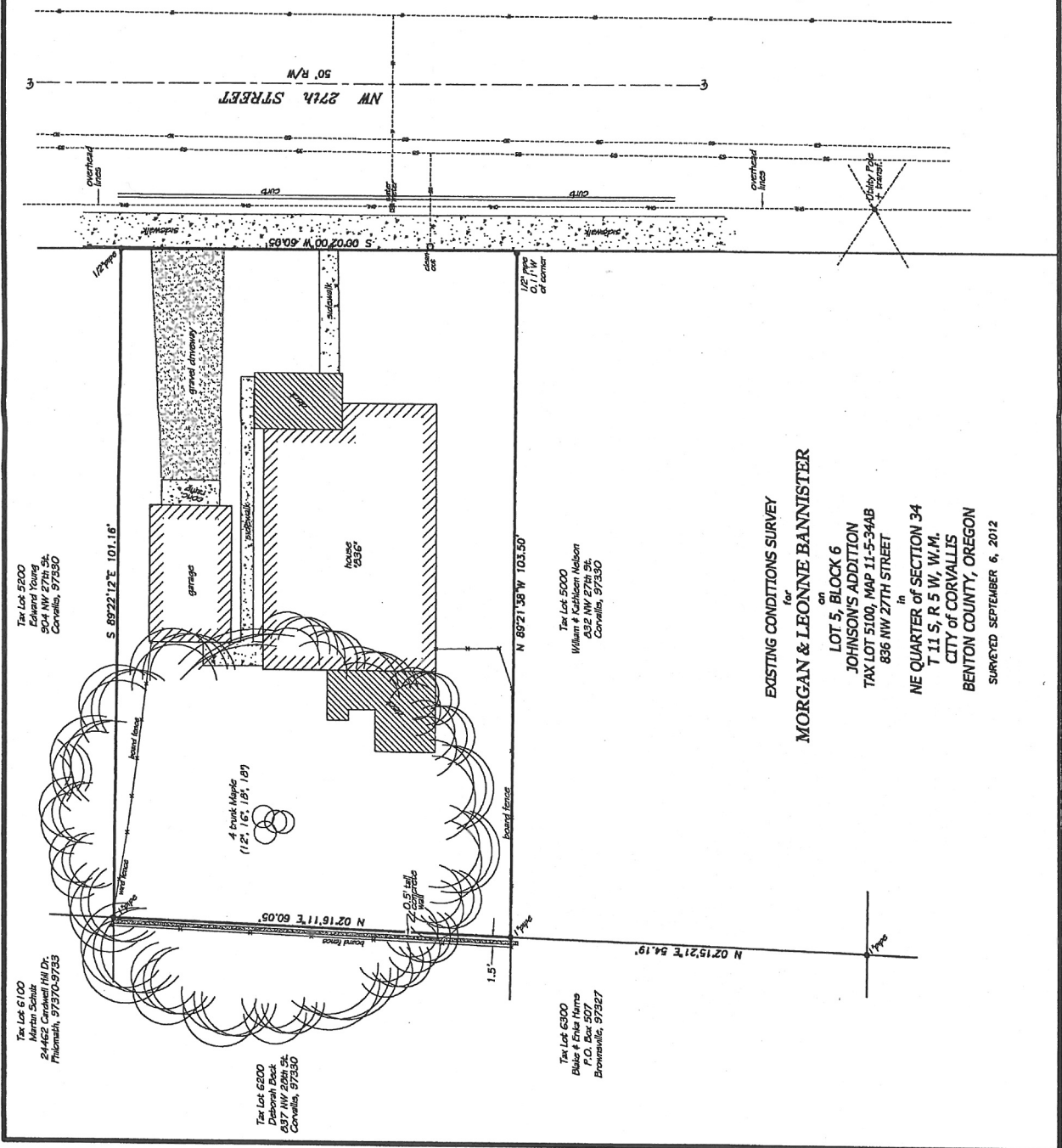
A handwritten signature in black ink, appearing to read 'Leone Bannister', written in a cursive style.

Leonne Bannister



NORTHSTAR SURVEYING, INC.
 720 N.W. 4th Street
 Corvallis, Oregon 97330
 Phone: 541-767-8050

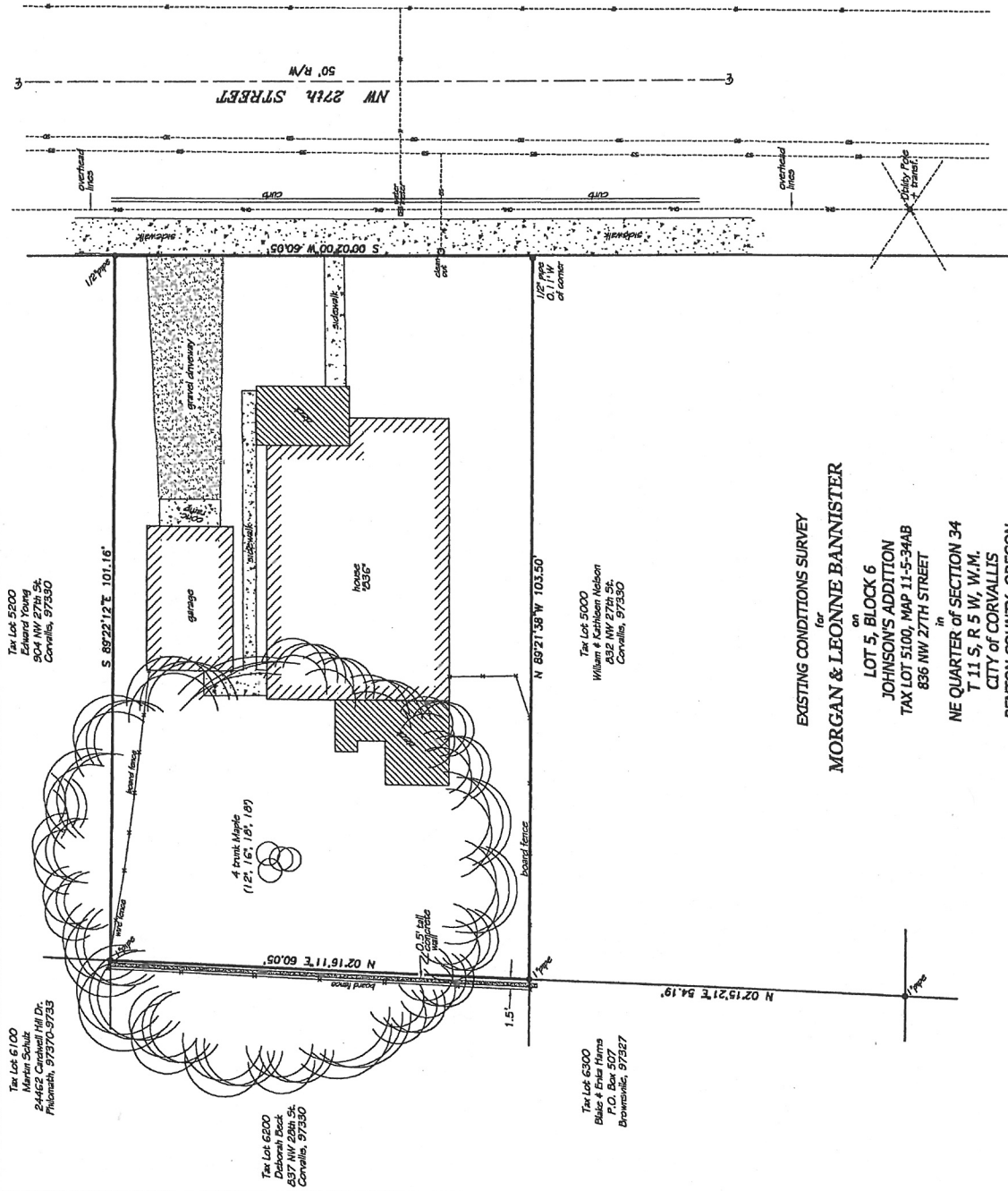
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EXISTING CONDITIONS SURVEY
 for
MORGAN & LEONNE BANNISTER
 on
LOT 5, BLOCK 6
JOHNSON'S ADDITION
 TAX LOT 5100, MAP 11-5-34B
 836 NW 27TH STREET
 in
 NE QUARTER of SECTION 34
 T. 11 S., R. 5 W., W.M.
 CITY of CORVALLIS
 BENTON COUNTY, OREGON
 SURVEYED SEPTEMBER 6, 2012

S:\2012\00512747\091012

NORTHSTAR SURVEYING, INC.
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9050



EXISTING CONDITIONS SURVEY
for
MORGAN & LEONNE BANNISTER
on
LOT 5, BLOCK 6
JOHNSON'S ADDITION
TAX LOT 5100, MAP 11-5-34AB
836 NW 27TH STREET
in
NE QUARTER of SECTION 34
T 11 S, R 5 W, W.M.
CITY of CORVALLIS
BENTON COUNTY, OREGON
SURVEYED SEPTEMBER 6, 2012

Tax Lot 6100
Marian Schulz
24462 Crandall Hill Dr.
Philomath, 97370-9733

Tax Lot 6200
Dakota Beck
637 NW 28th St.
Corvallis, 97330

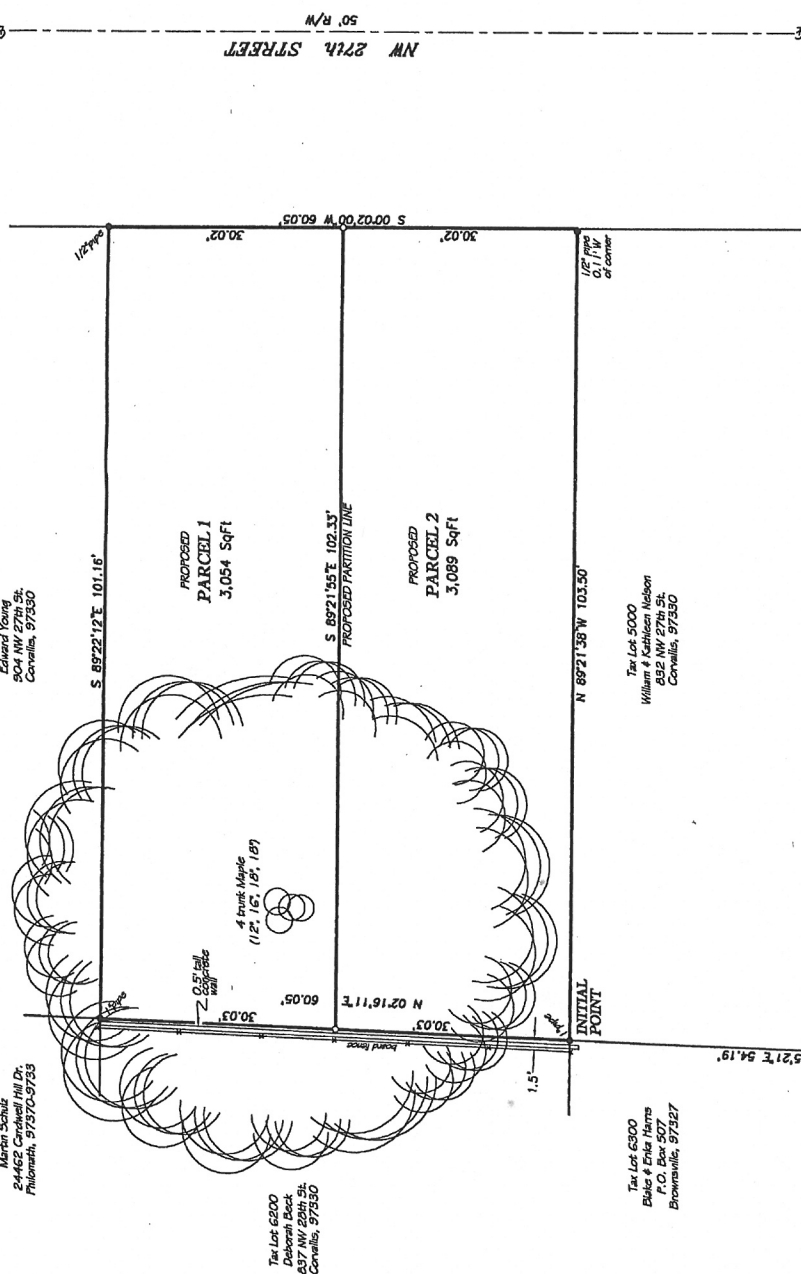
Tax Lot 6300
Bible & Fife Farms
P.O. Box 507
Brownsville, 97327

Tax Lot 5000
William & Kathleen Nelson
832 NW 27th St.
Corvallis, 97330

LEGEND
..... Found survey monument as noted
..... Found survey monument as noted
SD.....Storm Drain Pipeline
SS.....Sanitary Sewer Pipeline
W.....Water service Pipeline

Tax Lot 5200
Edward Young
904 NW 27th St.
Corvallis, 97330

NORTHSTAR SURVEYING, INC.
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9050



Tax Lot 6300
Blake & Enka Hams
P.O. Box 507
Brownsville, 97927

Tax Lot 5000
William & Kathleen Nelson
892 NW 27th St.
Corvallis, 97330

MINOR LAND PARTITION PLAN
for
MORGAN & LEONNE BANNISTER

on
LOT 5, BLOCK 6
JOHNSON'S ADDITION
TAX LOT 5100, MAP 11-5-34AB
836 NW 27TH STREET

NE QUARTER OF SECTION 34
in
T 11 S, R 5 W, W.M.
CITY of CORVALLIS
BENTON COUNTY, OREGON
SURVEYED SEPTEMBER 6, 2012
MAP DATE 09-12-12

LEGEND

●.....Found survey monument as noted
○.....Set monument - 5/8" x 30" rebar with red
cap stamped "NORTHSTAR SURVEYING."

OCT 19 2012

720 N.W. 4th Street

Corvallis, Oregon 97330
Phone: 541-757-9050
Planning Division



Staff Identified Review Criteria

The following list of Land Development Code (LDC) Sections were used in review of and referenced in the Notice of Disposition for the 836 NW 27th Street Minor Replat application (MRP12-00008).

LDC Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments

Section 2.14.10 - BACKGROUND

The division of land through a Subdivision process is addressed in Chapter 2.4 - Subdivisions and Major Replats. A Subdivision occurs where four or more lots are created in a calendar year, and requires review and approval as specified in Chapter 2.4 - Subdivisions and Major Replats. The division of land through an Expedited Land Division process is addressed in Chapter 2.5 - Planned Development. An Expedited Land Division occurs where four or more lots are created in a calendar year on a site with an approved Detailed Development Plan.

This Chapter provides procedural requirements for Residential and Nonresidential Partitions, which involve creation of three or fewer lots in a calendar year, and for Minor Replats and Property Line Adjustments. For the purposes of this Chapter, Residential Partitions, Minor Replats, and Property Line Adjustments are those involving lands with a Zoning Designation of RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Partitions, Minor Replats, and Property Line Adjustments are those with a Zoning Designation other than those for Residential Partitions, Minor Replats, and Property Line Adjustments. Except on appeal, each of these is reviewed through a General Development process without a public hearing. As with Subdivisions, Partitions, Minor Replats, and Property Line Adjustments are subject to design requirements contained in Article IV of this Code.

Section 2.14.20 - PURPOSES

Land Division procedures are established in this Chapter for the following purposes:

- a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
- b. Minimize negative effects of development upon the natural environment and incorporate Significant Natural Features into the proposed development where possible;
- c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
- d. Ensure appropriate levels of urban facilities and services including provisions for water, drainage, and sewage;
- e. Create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses; and
- f. Promote energy efficiency.

Section 2.14.30 - TENTATIVE PARTITION PLAT REVIEW PROCEDURES

Whenever an application is filed for a Partition, it shall be reviewed in accordance with the following procedures.

2.14.30.04 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.14.30.05 below.

2.14.30.05 - Review Criteria

Requests for approval of a Tentative Partition Plat shall be reviewed to ensure:

- b. Residential Partitions - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:**
 - 1. Consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;**
 - 2. The following criteria are met for Residential Partitions and the application demonstrates adherence to them:**
 - a) Approval will permit City services and access from a public street to be provided to property under the same ownership and on adjacent lands planned for urban densities;**
 - b) Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site;**
 - c) Preservation and/or protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;**
 - d) Land uses shall be those that are outright permitted by the existing underlying zoning designation;**
 - e) Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to this Code's Wetlands and/or Riparian Corridor provisions in Chapter 4.13 - Riparian Corridor and Wetland Provisions; and**
 - f) For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains remaining lot or parcel contains:**

- 1) An area unconstrained by Natural Resources or Natural Hazards;
- 2) An area that includes Formerly Constrained Areas; or
- 3) Contains an area that includes the areas in e.1) and e.2) above;

and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:

- 4) Lots created for public park purposes; and
- 5) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space.

New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards. See also Section 4.11.30.

A Residential Partition that conforms to these criteria in “1,” and “2,” above, is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Partition that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall be the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

2.14.30.06 - Action on Application

Based on the review criteria above and any comments received from affected parties, the Director shall review the proposed development and either approve, conditionally approve, or deny the application at the completion of the 14-day comment period.

2.14.30.07 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition that includes a written statement of the decision, a reference to findings leading to it, any Conditions of Approval, and appeal period deadline. A Notice of Disposition shall also be mailed to persons who provided written comment on the mailed notice. A Notice of Disposition and all applicable information shall be available in the Development Services Division of the Community Development Department.

2.14.30.09 - Effective Date

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the Notice of Disposition is signed.

LDC Chapter 3.4 - Medium Density (RS-9) Zone

Section 3.4.20 - PERMITTED USES

3.4.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types -

a) Family

2. **Residential Building Types -**

c) Single Attached - Zero Lot Line, two units

Section 3.4.30 - RS-9 DEVELOPMENT STANDARDS

Table 3.4-1

		Standard
a.	Minimum Density	6 units per acre. Applies to the creation of Land Divisions.
b.	Maximum Density	12 units per acre. Applies to the creation of Land Divisions.
c.	Minimum Lot Area	
	1. Single Detached	3,500 sq. ft.
	2. Single Attached	2,500 sq. ft.
	3. Duplex (or other configuration of building types resulting in two units)	5,000 sq. ft.
	4. Triplex (or other configuration of building types resulting in three units)	7,500 sq. ft.
	5. Fourplex (or other configuration of building types resulting in four units)	10,000 sq. ft.
d.	Minimum Lot Width	
	1. Single Detached with alley access to garage	40 ft.
	2. Single Detached with street access to garage	50 ft.
	3. Single Attached	25 ft.
	4. Duplex (or other configuration of building types resulting in two units)	50 ft.
	5. Triplex (or other configuration of building types resulting in three units)	75 ft.
	6. Fourplex (or other configuration of building types resulting in four units)	100 ft.

		Standard
e.	Setbacks	
1.	Front yard	10 ft. minimum; 25 ft. maximum Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2.	Rear yard and Side yards Interior attached townhouses exempt from interior side yard setbacks.	5 ft. minimum and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling. Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
a)	Single Detached	5 ft. minimum each side yard 0 ft. one side; 8 ft. minimum on opposite side ¹
b)	Single Attached and Zero Lot Line Detached	
c)	Duplex, Triplex and Fourplex	
d)	Abutting a more restrictive zone	
3.	Corner Lot	10 ft. minimum each side
	See also "k," and "l," below.	10 ft. minimum 10 ft. minimum on side abutting the street. Vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
f.	Minimum Garage/Carport Setbacks	
1.	Garage/carport entrance facing/parallel to the street	19 ft. minimum
2.	Garage/carport entrance sideways/perpendicular to street	10 ft. minimum
	See also "k," and "l," below.	Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

¹ For Detached Zero Lot Line dwelling units, prior to Building Permit approval the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

	Standard
<p>g. Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also “k,” and “l,” below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
h. Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.
i. Maximum Lot Coverage	<p>70 percent of lot area maximum; interior attached townhouses exempt from this provision.</p> <p>Green Area is calculated per lot.</p>
j. Off-street Parking	See Chapter 4.1 - Parking, Loading , and Access Requirements.
k. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within any required setback area.</p> <p>When located outside a setback area, but within five to 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening.</p>
l. Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m. Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n. Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o. Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p. Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.

	Standard
q. Landscaping	See Section 3.4.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r. Required Green Area and Private Outdoor Space	See Section 3.4.40, below.
s. Landslide Hazards and Hillside	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.4.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-9 Zone:

- a.** All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;
- b.** Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and
- c.** Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.4.100 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.4.30 "m" through "q," and "s," variations from development and design standards such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

LDC Chapter 4.0 - Improvements Required with Development

Section 4.0.20 - TIMING OF IMPROVEMENTS

- a.** All improvements required by the standards in this Chapter shall be installed concurrently with development, as follows:
 - 1.** Where a Land Division is proposed, each proposed lot shall have required public and franchise utility improvements installed or secured prior to approval of the Final Plat, in accordance with the provisions of Section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.

Section 4.0.30 - PEDESTRIAN REQUIREMENTS

- a.** Sidewalks shall be required along both sides of all streets, as follows:
 - 1.** Sidewalks on Local, Local Connector, and Cul-de-sac Streets - Sidewalks shall be a minimum of five ft. wide on Local, Local Connector, and Cul-de-sac Streets. The sidewalks shall be separated from curbs by a tree planting area that provides at least six ft. of separation between the sidewalk and curb, except that this separated tree planting area shall not be provided

adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

2. Sidewalks on Arterial, Collector, and Neighborhood Collector Streets - Sidewalks along Arterial, Collector, and Neighborhood Collector Streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of five ft. wide. An exception to these provisions is that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

3. Sidewalk Installation Timing - The timing of the installation of sidewalks shall be as follows:

- a) Sidewalks and planted areas along Arterial, Collector, and Neighborhood Collector Streets shall be installed with street improvements.
- b) Except as noted in "c," below, construction of sidewalks along Local, Local Connector, and Cul-de-sac Streets may be deferred until development of the site and reviewed as a component of the Building Permit. However, in no case shall construction of the sidewalks be completed later than three years from the recording of the Final Plat. The obligation to complete sidewalk construction within three years will be outlined in a deed restriction on affected parcels and recorded concurrently with the Final Plat.
- c) Where sidewalks on Local, Local Connector, and Cul-de-sac Streets abut common areas, drainageways, or other publicly owned areas, or where off-site Local, Local Connector, and Cul-de-sac Street extensions are required and sufficient right-of-way exists, the sidewalks and planted areas shall be installed with street improvements.

- b. Safe and Convenient Pedestrian Facilities - Safe and convenient pedestrian facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this Section, safe and convenient means pedestrian facilities that are free from hazards and that provide a direct route of travel between destinations.
2. Pedestrian rights-of-way connecting Cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide. When these connections are less than 220 ft. long, measuring both the on-site and the off-site portions of the path, or when they directly serve 10 or fewer on-site dwellings, the paved improvement shall be no less than five ft. wide. Connections that are either longer than 220 ft. or serve more than 10 on-site dwellings shall have wider paving widths as specified in Section 4.0.40.c. Maintenance of the paved improvement shall be the responsibility of adjacent property owners. Additionally, a minimum of five ft. of landscaping shall be provided on either side of these pedestrian facilities, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Maintenance of the landscaping shall also be the responsibility of adjacent property owners.

3. Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian ways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:
- a) To maximize direct pedestrian travel, the on-site pedestrian circulation system shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site.
 - b) Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities that abut the site but are not adjacent to the streets abutting the site. When sidewalks or multi-use paths are provided, such as occurs through Cul-de-sacs or to provide pedestrian connections through areas where vehicles cannot travel, these facilities shall be bordered on both sides by a minimum of five ft. of landscaping. Additionally, solid fencing shall be limited to a maximum height of four ft. along these areas to increase visibility and public safety. Portions of fences above four ft. in height are allowed, provided they are designed and constructed of materials that are open a minimum of 50 percent.
 - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
 - e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on-site unless an unusual parking lot hazard exists.
- c. Where a development site is traversed by or adjacent to a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, improvement of the trail linkage shall occur concurrently with development. Dedication of the trail to the City shall be provided in accordance with Section 4.0.100.d.
- d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).
- e. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrently with development.
- f. Prior to development, applicants shall perform a site inspection and identify any Contractor Sidewalk/street Stamps in existing sidewalks that will be impacted by the development. If such a Contractor Sidewalk/street Stamp exists, it shall either be left in its current state as part of the existing sidewalk, or incorporated into the new sidewalk for the development site, as close as possible to the original location and orientation.
- g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

- e. Development sites shall be provided with access from a public street or a private street that meets the criteria in “d,” above, both improved to City standards in accordance with the following:
1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrently with development. Where a development site abuts an existing private street not improved to City standards, and the private street is allowed per the criteria in “d”, above, the abutting street shall meet all the criteria in “d”, above and be improved to City standards along the full frontage of the property concurrently with development.
 2. Half-width street improvements, as opposed to full-width improvements, are generally not acceptable. However, these may be approved by the Planning Commission or Director where essential to the reasonable development of the property. Approval for half-width street improvements may be allowed when other standards required for street improvements are met and when the Planning Commission or the Director finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-width street is developed.
 3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities, the Planning Commission or Director may require off-site street improvements concurrently with development.

Table 4.0-1- Street Functional Classification System ¹						
	Arterial Highway	Arterial	Collector	Neighborhood Collector	Local Connector	Local
Auto amenities (lane widths) ²	2-5 Lanes (11 - 14 ft.)	2-5 Lanes (12 ft.)	2-3 Lanes (11 ft.)	2 Lanes (10 ft.)	2 Lanes (10 ft.)	Shared Surface
Bike amenities ³	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (6 ft.)	Shared Surface	Shared Surface
Pedestrian amenities	2 Sidewalks (6 ft.) Ped. Islands	2 Sidewalks (5 ft.) Ped. Islands	2 Sidewalks (5 ft.)	2 Sidewalks (5 ft.)	2 Sidewalks (5 ft.)	2 Sidewalks (5 ft.)
Transit	Typical	Typical	Typical	Typical	Permissible/not typical	Permissible/not typical
Managed speed ⁴	20 mph - 55 mph	25 mph - 45 mph	25 mph - 35 mph	25 mph	25 mph	15-20 mph
Curb-to-curb width ⁵ (two way)						
No on-street parking	34 ft - 84 ft.*	34 ft.-72 ft.	34 ft.-45 ft.	32 ft.	20 ft.*	20 ft.*
Parking one side	42 ft. - 84 ft.	NA	NA	40 ft.	28 ft.	25 ft.*

Parking both sides	50 ft. - 84 ft.	NA	NA	48 ft.	28-34 ft.	28 ft.
Traffic calming ⁶		No	Permissible/ not typical	Typical	Permissible	Permissible
Preferred adjacent land use	High Intensity	High Intensity	Med. to High Intensity	Medium Intensity	Med. to Low Intensity	Low Intensity
Access control	Yes	Yes	Some	No	No	No
Turn lanes		Continuous and/or medians with ped. islands	Typical at intersections with Arterials or Collectors	Not typical	Not typical	Not typical
Planting strips ^{7&8}	Two - 12 ft. Except across areas of Natural Features	Two - 12 ft. Except across areas of Natural Features	Two - 12 ft. Except across areas of Natural Features	Two - 12 ft. Except across areas of Natural Features	Two - 6 ft. Except across areas of Natural Features	Two - 6 ft. ⁷ Except across areas of Natural Features ^{7&8}
Through-traffic connectivity		Primary function	Typical function	Typical function	Permissible function	Permissible function

1. These standards do not preclude the flexibility currently allowed through the Planned Development process in Chapter 2.5 - Planned Development.
2. Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. On Arterial and Collector roadways, an absolute minimum for safety concerns is 10 ft. Such minimums are expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width.
3. An absolute minimum width for safety concerns is five ft., which is expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width. Parallel multi-use paths in lieu of bike lanes are not appropriate along the Arterial-Collector system due to the multiple conflicts created for bicycles at driveway and sidewalk intersections. In rare instances, separated (but not adjacent) facilities may provide a proper function.
4. Arterial Highway speeds in the Central Business or other Commercial zones in urban areas may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
5. Street design for each development shall provide for emergency and fire vehicle access. Street widths of less than 28 ft. shall be applied as a development condition through the Subdivision process in Chapter 2.4 - Subdivisions and Major Replats and/or the Planned Development process in Chapter 2.5 - Planned Development. The condition may require the developer to choose between improving the street to the 28-ft. standard or constructing the narrower streets with parking bays placed intermittently along the street length. The condition may require fire-suppressive sprinkler systems for any dwelling unit more than 150 ft. from a secondary access point. * To be applied in RS-9 and lesser zones.
6. Traffic calming includes such measures as bulbed intersections, speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials and is addressed in the Transportation Plan.
7. Through the Planned Development Review Process, the planting strip along Local Streets and around

- the bulbs of Cul-de-sacs may be reduced or eliminated.
8. Where streets must cross protected Natural Features, street widths shall be minimized by providing no on-street parking and no planting strips between the curb and the sidewalk on either side of the street.

Section 4.0.70 - PUBLIC UTILITY REQUIREMENTS (OR INSTALLATIONS)

- a. All development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights.
- b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrently with development.
- c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrently with development.
- d. To provide for orderly development of adjacent properties, public utilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).
- e. All required public utility installations shall conform to the City's adopted facilities master plans.
- f. Private on-site sanitary sewer and storm drainage facilities may be allowed, provided all the following conditions exist:
 - 1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
 - 2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and
 - 3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Assistance Center prior to commencement of work.
- g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

Section 4.0.90 - FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements that the City has with providers of electrical power, telecommunication, cable television, and natural gas services, hereafter referred to as Franchise Utilities.

- a. Where a Land Division is proposed, the developer shall provide Franchise Utilities to the development site. Each lot in a Subdivision shall have an individual service available or secured prior to approval of the Final Plat, in accordance with Section 2.4.40 of Chapter 2.4 - Subdivisions and Major Replats.
- b. Where necessary and in the judgement of the Director, Franchise Utilities shall be extended through the site to the edge of adjacent property(ies) to provide for orderly development of adjacent properties.
- c. The developer shall have the option of choosing whether to provide natural gas or cable television service to the development site, provided that all of the following conditions exist:

1. Extension of Franchise Utilities through the site is not necessary for the future orderly development of adjacent property(ies);
 2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and
 3. The development is nonresidential.
- d. Where a Land Division is not proposed, the site shall be provided with Franchise Utilities prior to occupancy of structures as required by this Section and in accordance with the provisions of Section 2.4.40.12 of Chapter 2.4 - Subdivisions and Major Replats.
- e. All Franchise Utility distribution facilities installed to serve new development shall be placed underground except as provided below.
1. Poles for traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts; and
 2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.
- f. The developer shall be responsible for making necessary arrangements with Franchise Utility providers for provision of plans, timing of installation, and payment for services installed. Plans for Franchise Utility installations and plans for public improvements shall be submitted together to facilitate review by the City Engineer.
- g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

Section 4.0.100 - LAND FOR PUBLIC PURPOSES

- a. Easements for public sanitary sewer, water, storm drain, streetlight, transit, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- b. Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations.
- c. Where a development site is traversed by a drainageway or water course, improvements shall be in accordance with the Corvallis Storm Water Master Plan and the Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.
- d. Where a development site is traversed by, or adjacent to, a future trail linkage identified in the Corvallis Transportation Plan or the Trails Master Plan, dedications of suitable width to accommodate the trail

linkage shall be provided. This width shall be determined by the City Engineer, based on the appropriate standard for the type of trail facility involved.

- e. Where street, trail, utility, or other rights-of-way and/or easements in or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.
- f. Easements or dedications required in conjunction with Land Divisions shall be recorded on the Final Plat. For developments not involving a Land Division, easements and/or dedications shall be recorded on standard forms provided by the City Engineer.
- g. Environmental assessments shall be provided by the developer (grantor) for all lands to be dedicated to the public or City. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands, in accordance with the following:
 - 1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of this information, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. If further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor, as described in "2," below.
 - 2. Level I Environmental Assessments shall include data collection, site reconnaissance, and report preparation. Data collection shall include review of Oregon Department of Environmental Quality records, City and County fire department records, interviews with agency personnel regarding citations or enforcement actions issued for the site or surrounding sites that may impact the site, review of available historic aerial photographs and maps, interviews with current and available past owners of the site, and other data as appropriate.

Site reconnaissance shall include a walking reconnaissance of the site to check for physical evidence of potentially hazardous materials that may impact the site. Report preparation shall summarize data collection and site reconnaissance, assess existing and future potential for contamination of the site with hazardous materials, and recommend additional testing if there are indications of potential site contamination. Level I Environmental Assessment reports shall be signed by a registered professional engineer.
 - 3. If a Level I Environmental Assessment concludes that additional environmental studies or site remediation are needed, no construction permits shall be issued until those studies are submitted and any required remediation is completed by the developer and/or owner. Additional environmental studies and/or required remediation shall be at the sole expense of the developer and/or owner. The City reserves the right to refuse acceptance of land identified for dedication to public purposes if risk of liability from previous contamination is found.
- h. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

LDC Chapter 4.1 - Parking, Loading and Access Requirements

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

a. Residential Uses Per Building Type -

1. Single Detached and Single Attached - Zero Lot Line, and Manufactured Homes -
 - a) Vehicles - Two spaces per dwelling unit.
 - b) Bicycles - None required.

LDC Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting

Section 4.2.10 - PURPOSES

The City recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large-scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This Chapter prescribes standards for Landscaping, Buffering, Screening, and Lighting. While this Chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City with this purposes clause as the guiding principle.

Section 4.2.20 - GENERAL PROVISIONS

a. Required Landscaping -

1. Landscaping and Irrigation Plans - Where a landscape plan is required by this Code, by a particular proposal, and/or by Conditions of Approval, detailed planting plans, irrigation plans and other related plans shall be submitted for review and approval with Building Permit applications and/or prior to the recordation of a Final Plat, as applicable. Building Permits, including Foundation Permits, shall not be issued until the Director has determined that the plans comply with the purposes clause and specific standards in this Chapter, any specific proposal(s), and/or Conditions of Approval that apply to the particular project. On a case by case basis, and where no Significant Natural Features would be impacted, the Director may grant an exception and allow the issuance of permits. Required landscaping shall be reviewed and approved by the Director, and in no case shall landscaping be less than that required by this Chapter. Landscaping shall consist of ground cover, shrubbery, and trees.
2. Installation - All required landscaping and related improvements, such as irrigation, etc., shall be completed prior to the issuance of a Certificate of Occupancy. Additionally, all required landscaping and related improvements within the public right-of-way, and/or required by Conditions of Approval in conjunction with recording of the Final Plat, shall be completed or financially guaranteed prior to the recording of a Final Plat. If an applicant chooses to financially secure landscaping and related improvements in order to record a Final Plat, such financial security shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount at least equivalent to 120 percent of the cost of the installation of the landscaping and related improvements.
3. Coverage within Three Years - All required landscaping shall provide a minimum 90 percent ground coverage within three years. A financial guarantee shall be provided for new residential development, with the exception of areas within single-family or Duplex lots. A financial

guarantee shall also be provided for new nonresidential development, and nonresidential redevelopment that involves a 3,000 sq. ft. or 20 percent expansion, whichever is less, except that 20 percent expansions less than 500 sq. ft. are exempt. The financial guarantee shall cover maintenance for a three-year period from the date that the landscaping was installed by the applicant and accepted by the City. This guarantee shall be established prior to the issuance of a Final Certificate of Occupancy and prior to recording of a Final Plat. Additionally, this guarantee shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount that is at least equivalent to 50 percent of the cost of installation of required landscaping and related improvements, plus 20 percent of the 50 percent figure.

To release this guarantee at the end of the three-year period, the developer shall provide a report to the Director. This report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.

- b. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. A City permit is required to plant, remove, or prune any trees in a public right-of-way. Pruning shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Landscaping, buffering, and screening required by this Code shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind.
- c. Protection of Shrub, Ground Cover and Tree Specimens in Inventoried Areas of the Adopted Natural Features Inventory Map dated December 20, 2004 -
 - 1. For shrub, groundcover, and tree specimens within the areas inventoried as part of the Natural Features Inventory, preservation requirements shall be in accordance with the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. See Adopted Natural Features Inventory Map dated December 20, 2004, for information regarding areas inventoried as part of the Natural Features Inventory.
 - 2. Plants to be preserved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees and shrubs shall be considered preserved if the standards in Section 4.12.60.f are met.
- d. Protection of Significant Tree and Significant Shrub Specimens Outside of Inventoried Areas of the Adopted Natural Features Inventory Map dated December 20, 2004 -
 - 1. Significant Tree and Significant Shrub specimens outside of the areas inventoried as part of the Natural Features Inventory should be preserved to the greatest extent practicable and integrated into the design of a development. See Adopted Natural Features Inventory Map dated December 20, 2004, for information regarding areas inventoried as part of the Natural Features Inventory. See also the definitions for Significant Shrub and Significant Tree in Chapter 1.6 - Definitions.
 - 2. Preservation -
 - a) Significant Trees and Significant Shrubs to be preserved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing

Significant Trees and Significant Shrubs shall be considered preserved if the standards in Section 4.12.60.f are met.

- b) Where the preservation of Significant Trees or Significant Shrubs is required by this Code, by a particular proposal, and/or by Conditions of Approval, no development permits shall be issued until a preservation plan has been reviewed and approved by the Director. The preservation plan shall be developed by a certified arborist and shall comply with the purposes clause and specific standards in this Chapter and any proposal(s) and/or Conditions of Approval that apply to the particular project. Additionally, Significant Trees and Significant Shrubs to be saved and methods of protection shall be indicated on the preservation plan submitted for approval. Methods of preservation shall be consistent with Section 4.12.60.f.

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE

a. Tree Plantings -

Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

1. Street Trees -

- a) Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "d," below;
- b) Along all streets with planting strips in excess of six ft. wide and where power lines are located underground, a minimum of 80 percent of the street trees shall be large canopy trees. This standard shall not apply to alleys located within the Central Business (CB) and Riverfront (RF) Zones.
- c) Planting strips on Local Connector and Local Streets shall be planted with medium canopy trees; and
- d) If planting strips are not provided on Arterial, Collector, and Neighborhood Collector Streets, an equivalent number of the required large and required medium canopy trees shall be provided in other locations within common open space tracts on the site, or within the front yard setback areas of the parcels and lots adjacent to the street. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;

- 2. Along alleys, trees shall be planted on the sides of the alleys at a minimum of one tree per lot; and the trees shall be located within 10 ft. of the alley. This standard shall not apply to alleys located within the Central Business (CB) and Riverfront (RF) Zones;

Table 4.2-1 - Street Trees

Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	- Maximum 30 ft. on-center spacing
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Large-canopy trees: - Maximum 50 ft. on-center spacing
trees that normally reach 30-50 ft. in
height within 30 years, but exceed 50
ft. in height at maturity

b. Areas Where Trees May Not be Planted -

1. Trees may not be planted within five ft. of permanent hard surface paving or walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.40.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.
2. Unless approved otherwise by the City Engineer, trees may not be planted:
 - a) Within 10 ft. of fire hydrants and utility poles;
 - b) Within 20 ft. of street light standards;
 - c) Within five ft. from an existing curb face, except where required for street trees;
 - d) Within 10 ft. of a public sanitary sewer, storm drainage, or water line; or
 - e) Where the Director determines the trees may be a hazard to the public interest or general welfare.
- c. Tree Maintenance Near Sidewalks and Paved Surfaces - Trees shall be pruned to provide a minimum clearance of eight ft. above sidewalks and 12 ft. above street and roadway surfaces; and shall be pruned in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

Section 4.2.60 - PROHIBITED STREET TREES

- a. Section 10.01.020 of the Municipal Code - Section 10.01.020 of the Municipal Code prohibits the following species of trees within public rights-of-way and parking strips:
 1. Bamboo;
 2. Poplar;
 3. Willow;
 4. Conifer;
 5. Cottonwood;
 6. Fruit and nut trees, other than ornamental; and
 7. Ailanthus.
- b. Section 10.01.030 of the Municipal Code - Because of concerns regarding tree root interactions with sanitary sewer lines, Section 10.01.030 of the Municipal Code prohibits the following trees from being planted anywhere in the City, unless the City Manager approves an exception for a situation where the tree roots are unlikely to interfere with a public sewer:

1. Willow;
2. Cottonwood; and
3. Poplar.

LDC Chapter 4.4 - Land Division Standards

Section 4.4.10 - PURPOSES

The Land Division standards in this Chapter are intended to preserve, protect, and promote the public health, safety, convenience, and general welfare. These standards are implemented in conjunction with the Subdivision, Expedited Land Division, and Partition procedures in Chapter 2.4 - Subdivisions and Major Replats; Chapter 2.5 - Planned Development; and Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments, respectively. They are also implemented in conjunction with Chapter 4.0 - Improvements Required with Development.

Section 4.4.20 - GENERAL PROVISIONS

4.4.20.01 - Applicability

All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development.

4.4.20.02 - Blocks

- a. General - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.
- b. Size - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development.

4.4.20.03 - Lot Requirements

- a. Size and Shape - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and depth shall generally not exceed 2.5 times the average width. Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed,

unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.

- b. Access - Each lot shall abut a street (not an alley) for a distance of at least 25 ft. unless it complies with the exceptions listed in "1," "2," or "3," below:

1. Exception 1 - On a lot or parcel zoned RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) and existing prior to December 31, 2006, the Minor Land Partition or Minor Replat process may be used to create flag lots that comply with all of the criteria in "a-d,"

- a. Each resulting lot or parcel contains an area equal to no more than 175 percent of the zone's minimum lot size for a Single-family Detached dwelling;
 - b. Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path (distance measured along the centerline of the path to the nearest public street right of way or private street tract);
 - c. A street is not required through any part of the site per other requirements of this Code, such as the Block Perimeter standards in Section 4.0.60.n; and
 - d. The Access Way is consistent with Section 4.4.30.01, below.
- d. Lot Side Lines - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.

Section 4.4.30 - SPECIAL PROVISIONS FOR LOTS CREATED THROUGH LAND PARTITIONS OR MINOR REPLATS VIA SECTION 4.4.20.03.b "1" or "2."

In addition to complying with the provisions of Section 4.4.20 above, Partitions and Minor Replats that qualify for the exception in Section 4.4.20.03.b "1" or "2," above, shall be subject to the following standards and procedures.

4.4.30.01 - Access Way

- a. For residential lots, access requirements of Section 4.4.20.03.b may be reduced and combined to provide an Access Way, a narrow strip of land connecting a parcel to a dedicated right-of-way or private street within a separate tract, in accordance with the following:
 - 2. An Access Way to a single lot and two dwelling units or combined Access Ways to two lots and two dwelling units shall be a minimum of 23 ft. wide;

4.4.30.02 - Lot Width - The minimum lot width shall be as required by the applicable zone.

4.4.30.03 - Lot Area - The lot area shall be as required by the applicable zone and shall be provided entirely within the building site area, exclusive of any Access Way. See Figure 4.4-1 Lot Area Exclusive of Access Way, below.

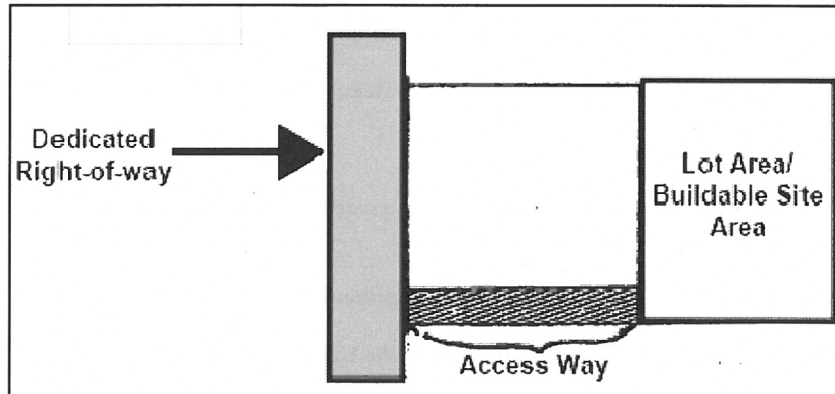


Figure 4.4-1 - Lot Area Exclusive of Access Way

4.4.30.04 - Front Yard Determination - If the partitioned lot is a flag lot, the property owner may determine the location of the front yard, provided that no side yard is less than 10 ft. long.

4.4.30.05 - Site Improvements - These requirements shall be in addition to others in Chapter 4.0 - Improvements Required with Development.

- a. **Screening** - A screen shall be provided along the property line of a lot of record where a paved driveway is within five ft. of the lot line; if the driveway is shared, the lot is exempt from this provision. Screening also may be required to maintain privacy for abutting lots. These screening requirements may be waived if the adjacent affected property owner consents in writing to such a waiver. Required screening shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

4.4.30.07 - Reciprocal Easements

If a common driveway serves more than one lot, a reciprocal easement to ensure access rights shall be recorded with the approved partition map.

LDC Chapter 4.12 - Significant Vegetation Protection Provisions

Section 4.12.10 - PURPOSES

The Natural Resources Overlay includes properties within the Corvallis Urban Growth Boundary that contain Significant Vegetation in either an area inventoried as a wildlife habitat area, or in an area inventoried as an Isolated Tree Grove. These Significant Vegetation areas were determined by the community to be significant and are shown on the City's Significant Vegetation Map. This Chapter implements standards for development and vegetation management on such properties. The Natural Resources Overlay and these standards are intended to:

- a. **Protect, conserve, maintain, and/or enhance the natural, environmental, scenic, recreational, open space, and economic qualities of the identified Significant Vegetation;**
- b. **Minimize impacts to soils and maintain or improve air and water quality within the Corvallis Urban Growth Boundary;**
- c. **Provide diverse, multi-layered vegetation to support continued diversity of fish and wildlife species within the Corvallis Urban Growth Boundary;**

- d. Conserve energy by providing solar benefits and temperature moderation;
- e. Store and maintain carbon levels within the ecosystem;
- f. Provide groundwater recharge opportunities;
- g. Protect the economic values of the community associated with open spaces, recreational and visual amenities, and managed, sustainable forests;
- h. Enhance stormwater and Natural Hazards management;
- i. Protect and enhance the tree canopy throughout the Urban Growth Boundary;
- j. Provide sound-absorbing and visual buffering amenities throughout urban neighborhoods; and
- k. Implement the wildlife habitat and Significant Vegetation policies of the City of Corvallis Comprehensive Plan.

Section 4.12.60 - STANDARDS FOR DEVELOPMENT ON SITES CONTAINING SIGNIFICANT VEGETATION

The location and extent of development on sites containing Significant Vegetation shall be based on the standards established below. Encroachments into areas of Significant Vegetation may be permitted based on the provisions of Chapter 4.11- Minimum Assured Development Area and the following:

- a. **Highly Protected Significant Vegetation (HPSV) Areas - For Properties Containing Areas Designated as Highly Protected Significant Vegetation (HPSV), the following standards shall apply -**
 - 1. Development shall be limited to portions of properties outside of the areas designated as HPSV, except to the extent allowed by the Minimum Assured Development Area, as determined through the use of the procedures and criteria established in Chapter 4.11 - Minimum Assured Development Area;
 - 2. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts, which shall ensure that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved in the tracts. Exceptions to this requirement shall be granted based on the following:
 - a) Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage; and
 - b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy coverage;
 - 3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts, such that a minimum of 70 percent Mature Tree Canopy coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and
 - 4. Portions of the site developed according to the MADA provisions contained in Chapter 4.11- Minimum Assured Development Area, areas outside of preserved Significant Vegetation tracts shall be planted to achieve 40 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.

b. Partially Protected Significant Vegetation-1 (PPSV-1) Areas - For properties containing areas designated as Partially Protected Significant Vegetation-1 (PPSV-1) the following standards shall apply:

- 1. Development shall be located on areas outside of the PPSV, except to the extent allowed by the provisions of Chapter 4.11- Minimum Assured Development Area;**
- 2. The provisions for determining Minimum Assured Development Area may be applied directly to the PPSV-1 resource area, rather than applying it to the entire development site, as required in all other instances;**
- 3. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts, which shall be planted and/or preserved such that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved within the tracts. Exceptions to this requirement shall be granted based on the following:**
 - a) Preserved existing upland prairie areas shall be credited as 100 percent Mature Tree Canopy Coverage; and**
 - b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;**
- 4. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts, such that a minimum of 70 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and**
- 5. Portions of the site developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts, shall be planted to achieve 35 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.**

c. Partially Protected Significant Vegetation-2 (PPSV-2) Areas - For properties containing areas designated as Partially Protected Significant Vegetation-2 (PPSV-2) the following standards shall apply:

- 1. Development shall be located on areas outside of the PPSV, except to the extent allowed by the provisions of Chapter 4.11- Minimum Assured Development Area, with an additional allowance of 20 percent of the entire site;**
- 2. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts, which shall be planted and/or preserved such that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved within the tracts. Exceptions to this requirement shall be granted based on the following:**
 - a) Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage; and**
 - b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;**
- 3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts, such that a minimum of 70 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions;**

4. Undeveloped portions of the PPSV shall be contiguous to adjacent preserved Natural Resources; and
 5. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts, shall be planted to achieve 25 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.
- d. Partially Protected Significant Vegetation-3 (PPSV-3) Areas - For properties containing areas designated as Partially Protected Significant Vegetation-3 (PPSV-3) the following standards shall apply:
1. Development may be located on areas inside the PPSV provided that:
 - a) A minimum of 50 percent of the area within the PPSV is preserved/enhanced; and
 - b) Including the area preserved in "a," above, a minimum of 25 percent of the site consists of preserved/enhanced Significant Vegetation in common open space tracts, or common areas, that contain natural vegetative cover with 70 percent Mature Tree Canopy Coverage. Exceptions to this requirement shall be granted based on the following:
 - 1) Preserved existing upland prairie areas shall be credited as 100% Tree Canopy Coverage; and
 - 2) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;
 2. Development may be located within the Minimum Assured Development Area, as determined through the use of the procedures and criteria established in Chapter 4.11- Minimum Assured Development Area;
 3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts, such that a minimum of 50 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and
 4. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts shall be planted to achieve 25 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.
- e. Partially Protected Significant Vegetation-4 (PPSV-4) Areas - For properties containing areas designated as Partially Protected Significant Vegetation-4 (PPSV-4) the following standards shall apply:
1. Development may only be located on areas inside the PPSV in cases where a minimum of 25 percent of the site is placed in common open space tracts, or common areas, that contain either the natural vegetative cover or new landscaping such that a 70 percent Mature Tree Canopy Coverage is achieved;
 2. Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage;
 3. Preserved areas identified as Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage; and

4. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts, shall be planted to achieve 35 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.
- f. For areas of Significant Vegetation to be Considered Preserved, They Must Be Treated as Follows -
1. Existing trees shall be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the perimeter of the tree's Circle of Protection. A Circle of Protection is created by the greater of the two areas defined by the formulas below:
 - a) A radius in feet that equals the diameter in inches of the tree trunk at four ft. above Natural Grade. For example, a 15-in. diameter tree creates a 15 ft. radius of protected area; or
 - b) A perimeter located five ft. outside of the tree's drip-line.
 2. Existing vegetation may be considered preserved only if no cutting, filling, or compaction of the soil takes place within the vegetation's Circle of Protection. A Circle of Protection for vegetation is created by defining a circle around the vegetation, the perimeter of which is located one ft. outside of the vegetation's drip-line or edge.
 3. Temporary fencing to protect trees and vegetation shall be used to clearly mark areas to be preserved. Such fencing shall be placed outside the Circle of Protection of all trees and/or vegetation located within 50 ft. of any area where construction, ground disturbance, and/or vegetation removal is likely to occur. All such fencing shall be in place prior to vegetation removal and/or the issuance of an Excavation and Grading Permit and shall be maintained throughout the vegetation removal and/or construction period.
 4. Vegetation removal and ground disturbance shall be prohibited within the Circle of Protection for all trees and vegetation areas to be preserved.
 5. Irrigation shall be prohibited and no increase or decrease in either drainage volume or frequency shall occur within the Circle of Protection of preserved oak trees.
- g. Mature Tree Canopy Coverage shall be based on either the anticipated 15-year Mature Tree Canopy Coverage or the canopy of the preserved existing trees, whichever is greater. See Tree Canopy Coverage and 15-year Mature Tree Canopy Coverage in Chapter 1.6 - Definitions.
- h. A minimum of 30 percent of the planted mitigation trees must be Large Canopy Tree species. See Tree, Large Canopy in Chapter 1.6 - Definitions.
- i. Required street trees and parking lot landscaping shall not be credited toward mitigation trees, shrubs, or ground covers.
- j. Required street trees and parking lot landscaping trees shall be credited for Mature Tree Canopy Coverage in developed areas outside protected HPSV or PPSV areas.
- k. Trees, shrubs, and ground covers required in Section 4.12.60 to be planted to achieve minimum landscape and/or Tree Canopy Coverage shall be continuously maintained in a healthy manner. Prior to the removal of any vegetation a cash deposit, bond, or other financial security allowed by Code in the amount of 125 percent of the cost of required mitigation trees, shrubs, and ground covers shall be provided. Similar financial security for maintenance and replacement of vegetation shall be provided for a minimum of five

years after the plantings. Required trees, shrubs, and ground covers that die within the first five years after initial planting must be replaced in kind.

- l. Required trees, shrubs, and ground covers shall be planted within 180 days of their removal and shall be irrigated as per Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, except as provided in "f.5," above .
- m. In addition to the standards in this Chapter, developed areas shall be landscaped in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
- n. Construction site activities shall be located outside of Significant Vegetation protection areas. Such construction activities include, but are not limited to parking, material storage, soil compaction, and concrete washout.

Section 4.12.70 - PROVISIONS LIMITING EXTENSIONS OF PUBLIC AND PRIVATE ROADWAYS AND UTILITIES ON SITES CONTAINING SIGNIFICANT VEGETATION

Location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Significant Vegetation areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the Significant Vegetation area.